[Mr. T. P. Ramasubba Aiyar.]

suitable areas in the State. Draft Rules were framed and they were circulated to the Division Peishkars.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. He is discussing the policy again and a further discussion of the policy does not appear to be permissible.

DEPUTY PRESIDENT: You should not raise general questions of policy, Mr. Ramasubba Aiyar.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What is the motion now before the House?

DEPUTY PRESIDENT: Members cannot be reminded what motion is before the House from time to time.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I want to know whether the motion before the House now is for one lakh of rupees or a lakh of rupees *minus* one rupee.

DEPUTY PRESIDENT: The fact that a cut for one rupee has been made does not mean that the original motion should be put to vote. The Council's opinion certainly goes a great way, but there is another party concerned, namely the Government. The Government may, if so advised, accept the reduction. So that question need not be raised now. Mr. Ramasubba Aiyar may proceed.

MR. T. P. RAMASUBBA AIYAR (*Nominated*): I only wanted to press on the attention of Government the need for considering the question again and passing rules for the formation of Irrigation Boards in suitable areas. These Local Boards will represent the needs of the people to the irrigation officers and work in co-operation with them.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I want to clear a difficulty. This Assembly has reduced the amount by one rupee and I wish to know what is the motion which has to be put to the vote of the House now. Is it a motion for a lakh of rupees or for Rs. 99,999?

DEPUTY PRESIDENT: I see that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the motion is put to vote, it will be for a lakh of rupees *minus* one rupee.

DEPUTY PRESIDENT: The motion is for the original amount *minus* one rupee. It is not the original motion in its entirety.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I move that the question be now put.

The closure motion was put and declared carried.

DEPUTY PRESIDENT: Does the official member propose to reply?

MR. L. H. JACOB (*Ag. Chief Engineer*): No, Sir.

The demand for Rs. 1 lakh, *minus* Re 1 was put to the vote of the House and carried, and the grant was made.

ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move for a grant of Rs. 4,033 under 'Administration of Justice'. This grant is required on two distinct items One

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is for the establishment of a Temporary First Class Magistrate's Court at Changanachery. For this, I demand Rs. 2,577. Another is for the appointment of seven stenographers for the Judges in the High Court. In regard to the first item of demand, namely, the establishment of a First Class Magistrate's Court at Changanachery, I may be permitted to add that it has been brought to the notice of Government that heavy arrears have accumulated in certain Courts in the Kottayam Division, the Division First Class Magistrate's Court at Kottayam, the Second Class Magistrate's Court at Changanachery and the Stationary Magistrate's Court at Ponkunnam. This accumulation has been reported to be due to the abolition of the two Munsiff-Magistrate's Courts at Changanachery and Kanjirapalli. Some cases are as old as 1102 and the District Magistrate proposes that these arrears can be worked out by the establishment of a Temporary First Class Magistrate's Court at Changanachery for a period of one year.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether there is no case filed after 1102 which has not been decided in these Courts?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I cannot say. It is reported that some of these cases are as old as 1102, that is all I can say.

With regard to the other item, namely, the appointment of stenographers for the High Court Judges, there are six High Court Judges now and one more will be coming in shortly. Seven stenographers are thus required for the seven Judges so that they may dictate their judgments. These stenographers will be utilised also for reporting arguments in important cases. As a consequence three temporary typists will be reduced. I hope this House will grant this demand.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know why seven stenographers are required for six Judges?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The seventh stenographer is for the new High Court Judge who is coming in very shortly.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Does it mean that he is appointed only on the contingency of another High Court Judge being appointed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government have already decided on the appointment of the new High Court Judge and they hope that he will take charge very soon.

MR. S. J. NAIR (*Nedumangad*): Sir, I rise to move for a reduction of one rupee under this demand.

DEPUTY PRESIDENT: Have you given notice of your motion?

MR. S. J. NAIR (*Nedumangad*): I was informed by the Assembly Secretary that no notice is required, Sir.

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DEPUTY PRESIDENT: The question of fact as to whether the Assembly Secretary has said so does not arise. Even if he has said so, that does not bind the House. Mr. S. J. Nair has not given notice of his motion in the formal way in writing to the Secretary nor obtained the permission of the Chair. So, Mr. S. J. Nair cannot make the motion.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): On a point of order, Sir, can he not move it as no member has taken objection to its being moved?

DEPUTY PRESIDENT: I am really sorry to see that it is thought that the Chair can take cognisance of the matter only when a member puts it before the Chair. If the Chair misses a point and if that is taken notice of by any member, the Chair will be grateful. But certainly, the Chair's jurisdiction cannot be ousted in that manner. So, it is quite within my right to say that Mr. S. J. Nair cannot make the motion. Mr. S. J. Nair, do you wish to speak on the motion for the grant?

MR. S. J. NAIR (*Nelumangad*): Yes, Sir. I oppose the motion for the demand of Rs. 2,577 for the establishment of a First Class Magistrate's Court at Changanachery. I oppose the motion on the ground that the authorities concerned do not appoint members of the Bar as Magistrates to-day.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. He is talking on a question of general policy which does not arise within the scope of this demand.

DEPUTY PRESIDENT: I think the objection of the learned Law Member is a valid one.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Are we to understand that we cannot consider the necessity for appointing a seventh Judge in the High Court in this connection, for, in regard to the appointment of the seventh stenographer the question arises whether a seventh Judge is necessary or not?

DEPUTY PRESIDENT: When Mr. Thanu Pillai or any other member begins to talk about the appointment of the seventh Judge, I shall give my ruling.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I thought there was a ruling that a question of policy should not be discussed.

DEPUTY PRESIDENT: I have already given my ruling.

MR. S. J. NAIR (*Nedumangad*): There is another reason also for my objection to this motion, because, at this period of the year, that is, the middle of the year, there is no necessity for the establishment of a First Class Magistrate's Court at Changanachery.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): At what time of the year is it necessary?

MR. S. J. NAIR (*Nedumangad*): At the beginning of the Court year.

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MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Is there any part of the year when criminals are tempted to commit more crimes than in other parts of the year ?

MR. S. J. NAIR (*Nedumangad*): I do not say so. Anyhow, since the authorities concerned have not thought it advisable to establish a Court till to-day, I submit there is no urgency for the establishment of that Court at Changanachery at present.

MR. C. V. KUNJURAMAN (*Nominated*): ചങ്ങനാശ്ശേരിയിൽ കുറെ കൂടുതലായി ഉള്ളതുകൊണ്ടാണോ അവിടെ ഒരു കോടതി വേണമെന്ന ആവശ്യപ്പെടുന്നതു ?

MR. S. J. NAIR (*Nedumangad*): അതുമാത്രം ചിന്തിച്ചുകൂടുകയില്ല. ആ സ്ഥലത്തുകാർ

DEPUTY PRESIDENT: If you can answer that question, you may answer it.

MR. S. J. NAIR (*Nedumangad*): I have answered it. I oppose the motion.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Sir, I support the motion. After all, in such matters it is all mere routine business that is being done ; and my submission is that the opposing of such motions would be merely a policy of obstruction, unless there are valid reasons for doing so. The appointment of the stenographers is certainly necessary so that office work might be expedited in the High Court and the necessity for a First Class Magistrate's Court at Changanachery has been a long-felt one.

MR. M. SIVATANU PILLAI (*Tovala*): How does the member make out the necessity for the seventh stenographer ?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): There are six Judges now in the High Court and we know as a matter of fact that another European Judge has been appointed. Since the appointment of the seventh Judge has been already made, and his salary is not votable, my submission is that it will be a policy of obstruction to refuse this grant. So, I support the motion for the grant.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I am really sorry that the learned Law Member has not placed the House in possession of the facts that are required to enable us to come to one conclusion or another with regard to this demand for Rs. 1,256 that is, the second item. When I got the demand paper and looked into it, I was wondering why there should be seven stenographers in the High Court. I thought that one might be for the Registrar or pobably one of the six Judges requires more than one stenographer. But now, we are told, all on a sudden, that this seventh stenographer is for the seventh Judge whom the Government have appointed. Sir, how the necessity arose for appointing a seventh Judge in Vrischikam 1109 which necessity was not felt in Karkatakam 1108, the Law Member is bound to explain. Of course, when the Government come forward with such demands;

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[Mr. A. Thanu Pillai]

even though it is true that we very often allow them, it does not follow that in every case it is a matter of course that what ought to have been done at the time of the budget can be allowed to be done in the middle of the year. This is exactly one of those cases where this House ought to raise its voice of protest against such conduct on the part of Government. Here is a very important action that is taken by Government in the appointment of a seventh Judge to the High Court. That is a matter which ought to have been considered at the time of the preparation of the budget and when the budget was placed before this House. I am surprised that instead the present course has been adopted and Government come forward and say to us—"You give us seven Shorthand Reporters. One of these is for the seventh Judge." I concede that Government may appoint a seventh Judge. And even if the matter was placed before the House at the time of the budget and the House expressed itself against the appointment, Government still can appoint the Judge. But we could have discussed the matter at full length if the proposal for the appointment of a seventh Judge were placed before us at the time of the presentation of the budget.

I ask where is the necessity now. Why not wait for another eight months and place this matter before the House at the proper time? Not only that. There is the Civil Courts Powers Amendment Bill that is going to be placed before the House where various changes are suggested in the judicial machinery. The High Court may not have to do as much work hereafter as it has now to do. That has to be considered. I hope this House will agree with me and vote against the appointment of the seventh stenographer. If, for want of notice, I cannot move a cut motion I would vote against Rs. 1,456 as a whole. May I take it, Sir, that these two items will be put to the House separately?

In regard to the other six stenographers also, let us hope that that, by itself, will result in a larger disposal than hitherto. As a result of the appointment of the stenographers, the judges may be able to dispose of more work. That also goes against the necessity for a seventh Judge. If the Government is not prepared to reduce a proportionate amount from the total demand, I for one would vote against the whole grant and I hope the House will also vote against it.

As for the Changanachery court also, I must take the view that a large volume of arrears in that court could not have been the product of the last three months. That also is a contingency which the Government ought to have foreseen at the time of the budget. The Government should not be permitted to take us lightly and ask for funds at any time they like. (*Hear, hear.*) So, Sir, I oppose the demand.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, in the order in which Mr. Thanu Pillai has discussed this particular demand I shall also proceed. As for the seventh stenographer I also find some difficulty. The demand for the six stenographers has arisen from six individual Judges. The seventh Judge has not made any demand. So, before a

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demand is made by the seventh Judge who is not now anywhere here, to call upon this House to vote for a seventh stenographer does not appear to be quite well-founded. It may be that that learned Judge does not like the idea of engaging a stenographer for the purpose of preparing his judgments. In short, before the seventh Judge asks for a stenographer, there appears to be little justification to pre-appoint a stenographer for him.

As for the other question of the Changanachery court———

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : May I know whether we are considering the demands of the individual Judges or whether we are considering the demands of the Government as a whole?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : In fact the demand has been made by the Government in pursuance of the demand made by the Judges. It is not a demand made by the Government *suo motu* without any motion from the High Court. Therefore however much the High Court might have been obscured by the medium through which the demand is made——-.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Is there anything to prevent Government making the demand *suo motu*?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Absolutely nothing nor anything for us to disallow it.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Then where is the objection?

DEPUTY PRESIDENT : That is cross-examination, and it must stop.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I bow to the Chair.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : As for the other portion of the demand, namely, the Changanachery Magistrate's Court, this House must be satisfied whether it was necessitated in the normal course of business of the Magistrates concerned. It appears that a number of cases are in arrears. Who is responsible for these arrears? Have the Government considered that aspect of the question and have they dealt with the delinquents, if any, as they deserve before they came forward with this demand? Sir, I feel no doubt the need to grant my friend's demand for a new Magistrate because anyhow the arrears are there. At the same time I would bring to the notice of the Government that the cause for the accumulation of arrears should be looked into. My support is provisional in the sense that the origin of the accumulation of the arrears will be investigated.

DEPUTY PRESIDENT : I think that there is only one kind of support (*Laughter*). The Rules provide only for support and not provisional support.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : True. I would however remain free to question the propriety of the demand on a future occasion, in case the matter is not investigated.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, with regard to the seventh stenographer, I may say that a European Judge has been appointed and he will be taking charge on the 1st December or so, that is, within a few days from today.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Have funds been provided for that in the last budget?

MR. KAYALAM PARAMESVARAN PILLAI: (*Additional Head Sirkar Vakil*): Not in the last budget.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is the member in a position to detail the circumstances that necessitated the appointment of a seventh Judge after the budget was passed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Judge's appointment is not votable and I have not got the data to say how it is considered necessary.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Though his pay is not votable, at least the House could have considered the subject as part of the budget.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall not answer that question. I will only say that the seventh Judge has been appointed. That is a fact now. He wants a stenogfapher. Mr P. K. Narayana Pillai has been suggesting that the seventh Judge himself may not require a stenographer. But Government presumed that he will require. It is the practice everywhere to give stenographers to the Judges. In England, the High Court Judges have stenographers; so have the Judges in British India. It is presumed that the seventh Judge too will require a stenographer. In view of what Mr. P. K. Narayana Pillai has stated, I will say this that, if the seventh Judge does not require a stenographer, then the stenographer will not be appointed.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is it proper for us to vote in anticipation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is absolutely nothing improper in voting like that. I was saying that Government presume that the seventh stenographer is required and there was very good reason for presuming that the seventh Judge will require a stenographer. That being so, why not the House sanction my demand?

In regard to the temporary Magistrate's Court at Changanachery, the reason given by the District Magistrate is that the accumulation of arrears is due to cases that accumulated in the Munsiff-Magistrate's Court. It may very probably be the fault of the system and not of any individual. That system *i. e.*, this Munsiff-Magistrate's Court system has now gone. It may perhaps be that some individual Magistrates are at fault. But whether any individual Magistrate is punished or not, it is the litigant public that will suffer. In the interests of the litigant public, I hope the House will sanction that grant.

DEPUTY PRESIDENT: Does the House want the demand to be split into two parts and put to the House?

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The House agreeing, the first portion of the demand, namely, that a sum of Rs. 2,577 be granted for the establishment of a First Class Magistrate's Court at Changanachery, was then put and carried.

MR. P. K. NARAYANA PILLAI (*Ambalamuzha I*): If my friend would split up the second part of the demand into a demand for six stenographers and another for one stenographer I shall be glad.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no serious objection. But I have given an assurance that the seventh stenographer will be appointed contingent on the seventh Judge requiring one. That would seem to be sufficient.

DEPUTY PRESIDENT: So we will put it, as it is, as a demand for seven stenographers.

The motion was put and carried.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I demand a poll.

A poll was taken with the following result :—

AYES – 46.

1 Mr. N. Abdur Rahiman Sahib
2 „ K. C. Abraham
3 „ T. K. Alexandar
4 „ V. T. Chacko
5 „ C. V. Chandrasekharan
6 „ S. Chattanatha Karayalar
7 „ K. R. Elenkath
8 „ Antony George
9 „ K. George
10 Miss Hapzibah Gnanasikamony
11 Mr. M. Mahomed Haneef
12 „ S. J. Nair
13 „ L. H. Jacob
14 „ T. S. Jayantan Namboothiri
15 „ N. John Joseph
16 „ T. C. Joseph
17 „ K. C. Karunakaran
18 „ T. T. Kesavan Sastri
19 „ K. M. Krishnan
20 „ K. P. Krishna Menon
21 „ E. V. Krishna Pillai
22 Rao Sahib Dr. N. Kunjan Pillai
23 Mr. C. V. Kunjuraman
24 „ E. K. Kunjuraman
25 Mr. K. Madhavan
26 „ K. Mahomed
27 „ P. C. Narayanan Bhattathiripadu
28 „ B. Narayana Pillai
29 „ P. K. Narayana Pillai
30 Srimati T. Narayani Amma
31 Mr. G. Nilakantan
32 „ R. Nilakanta Pillai
33 „ S. Nilakanta Pillai
34 „ Edavanatt S. Padmanabha Menon
35 „ Kainikkara M. Padmanabha Pillai
36 „ N. K. Padmanabha Pillai
37 „ Kayalam Paramesvaran Pillai
38 „ V. Ramakrishna Panicker
39 „ T. P. Ramasubba Aiyar
40 „ R. Sambasiva Aiyar
41 „ K. Sankaran
42 „ R. Sivasubrahmanya Nadar
44 „ M. Sivatanu Pillai
43 „ R. M. Statham
45 „ P. K. Thomas
46 „ T. C. Thommen

NOES—3.

1 Mr. K. Kunjukrishna Pillai
2 „ M. N. Nair
3 Mr. A. Thanu Pillai

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NEUTRALS—14.

1	Mr. P. Chidambaram Pillai	7	Mr. Puthupalli S. Krishna Pillai
2	,, A. S. Damodaran Asan	8	,, M. K. Madhavan Pillai
3	,, A. Easwara Pillai (Kalkulam II)	9	,, K. A. Narayana Pillai
4	,, A. Easwara Pillai (Kottarakara)	10	,, Pacode A. Narayana Pillai
5	,, Pottayil S. Krishna Panickar	11	,, K. Padmanabhan
6	,, N. K. Krishna Pillai	12	,, N. E. Varughese
		13	,, V. K. Velappan Nair
		14	,, T. P. Velayudhan Pillai

The demand was granted.

DEPUTY PRESIDENT: Before we come to the next two items, I may say, if these two items are not controversial, then we can push it through in consideration of the fact that the Education Report has to be considered.

CO-OPERATIVE DEPARTMENT.

MR. T. C. THOMMEN (*Ag. Secretary to Government*): I beg to move for a grant not exceeding Rs. 3,454 for the extension of the period of the Co-operative Enquiry Committee by three months from the 1st Vrischikam 1109.

MR. M. SIVATANU PILLAI (*Tovala*): May I know who is the President of the Committee now?

MR. T. C. THOMMEN (*Ag. Secretary to Government*): Mr. G. K. Devadhar.

MR. M. SIVATANU PILLAI (*Tovala*): When is he expected here?

MR. T. C. THOMMEN (*Ag. Secretary to Government*): By the end of the month.

The demand was put and carried.

SCIENTIFIC AND MISCELLANEOUS DEPARTMENTS OTHER THAN CO-OPERATIVE DEPARTMENT.

RAO SAHIB DR. N. KUNJAN PILLAI (*Ag. Chief Secretary to Government*): Sir, I move for a supplementary grant not exceeding Rs.1,600. This is intended to meet the expenditure in connection with the North Indian tour of the Superintendent of Archæology.

MR. M. SIVATANU PILLAI (*Tovala*): May I know, what are the places he may visit?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is the grant for the Superintendent's tour which is to come or already over?

RAO SAHIB DR. N. KUNJAN PILLAI (*Ag. Chief Secretary to Government*): The tour is already over. He has already gone and returned. He visited a number of places in Northern India He worked under the Superintendent, Indian Museum, Calcutta, and gained a lot of useful knowledge.

MR. M. SIVATANU PILLAI (*Tovala*): May I inform the member that his answer is quite satisfactory? (*Laughter*).

The demand was put and carried.

The Assembly adjourned at 4-32 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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